

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No: 10-MJ-389 (SRN)

In the Matter of Search Warrant
For 2911 Park Avenue, Minneapolis, MN 55407
Issued September 23, 2010

In the Matter of Search Warrant
For 1823 Riverside Avenue, #2
Minneapolis, MN 55454
Issued September 23, 2010

Affidavit of Michael Kelly

I, Michael Kelly, being duly sworn on oath, hereby state and affirm:

1. My name is Michael Kelly. On September 24, 2010, I was a resident of 1823 Riverside Avenue, #2, Minneapolis, MN 55454, and the owner of personal property seized on that date by the Federal Bureau of Investigation (“FBI”) pursuant to the search warrant issued in this matter.
2. I am the editor of, and a reporter for, Fight Back News, a news and political commentary publication distributed on the internet and in hard copy. Since September 24, 2010, I have both written and published articles related to the home raids carried out on September 24, 2010, pursuant to the search warrants in this matter, and related issues. As an editor and reporter, I believe that the Application for Search Warrant and supporting affidavits in this matter contain information which is of interest to public. I further believe that making these documents public is vital to the public interest and the function of a journalist in providing

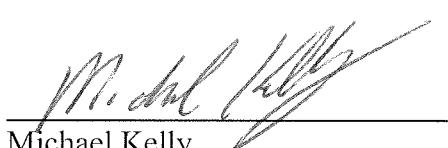
information to the public so that the public is able to review the actions of the judicial and executive branches of government. I desire to have access to these sealed documents in order to review them and to write and publish articles

3. The FBI seized subscriber lists and financial contributor lists for Fight Back News during the search of my home. These various lists were contained on computers seized by the FBI and on paper documents seized by the FBI.
4. The FBI also seized journals, letters, contact lists, and other documents, detailing personal and political contacts that I have had over a period of years. These documents contain both personal and intimate thoughts and expressions and also relate to my activities which are protected under the First Amendment.
5. Although the FBI has returned the physical documents and computers which were seized, the FBI has made and retained copies of all documents seized and made and retained copies of the hard drives and other data storage units in the computers which were seized.
6. I desire to bring a Motion for Return of Property at a future date, seeking the return of all copies of data and documents retained by the FBI. The retention of such data and documents by the FBI infringes on my rights as a journalist under the First Amendment. Further, both I and Fight Back News have a property interest in the copies of data and documents seized by the FBI, and the content of the information seized, which is protected by the Fourth Amendment. I require a copy of the Application for Search Warrant and supporting affidavits in this matter in order to bring such an action, based in part on the contention that the warrants

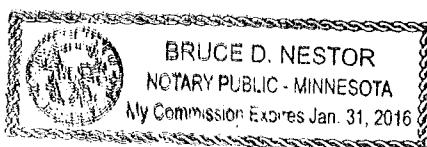
were issued without probable cause, that the supporting application and affidavits contained materially false statements, and that the items seized exceeded the scope of the warrant.

7. I also desire to bring a civil action at a future date, asserting a violation of my rights under the First and Fourth Amendments, pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). I require a copy of the Application for Search Warrant and supporting affidavits in this matter in order to bring such an action, based in part on the contention that the warrants were issued without probable cause, that the supporting application and affidavits contained materially false statements, and that the items seized exceeded the scope of the warrant.

Date: Jan 13, 14


Michael Kelly

Sworn and subscribed to before me by Michael Kelly this 13th day of JAN, 2014.




Notary Public, State of Minnesota